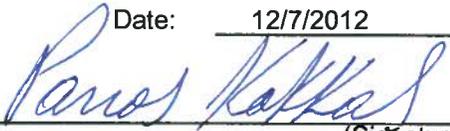


STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
2525 NATOMAS PARK DR., SUITE 130
SACRAMENTO, CA 95833
(916) 263-0916 Phone
(916) 263-0959 Fax
Email: cbsc@dgs.ca.gov

Office Use Item No. _____

PARTICIPATION COMMENTS FOR THE NOTICE DATED OCTOBER 26, 2012
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: DECEMBER 10, 2012

Date: 12/7/2012

From: Panos Kokkas Name (Print or type) (Signature)
-- Yolo County Department of Planning & Public Works, Public Works Division
Agency, jurisdiction, chapter, company, association, individual, etc.
292 West Beamer Street Woodland CA 95695
Street City State Zip

I **do not** agree with:

The Agency proposed modifications As Submitted on Sections No. 11B-406.5.8 Counter Slope & 11B-406.5.9 Clear Space

and request that this section or reference provision be recommended:

Approved Disapproved Held for Further Study Approved as Amended

Suggested Revisions to the Text of the Regulations:
Add language to exempt public streets from these provisions.

Revise 11B-406.5.9 Clear Space from "wholly outside the parallel vehicle travel lane" to be **"wholly outside the motorized vehicle travel lanes that are parallel to the intersecting streets"**

Reason: [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

The proposed 1:20 counterslope in the four (4) feet beyond the bottom of a ramp located within a street affects construction features which are typically a concrete gutter (generally a 2 foot wide gutter pan) and asphalt pavement. There is a practical limit of the accuracy that can be achieved in the construction of asphalt concrete grade transitions and slopes in the small landing area dictated by this standard. This standard in essence requires a concrete counterslope pad within the street at every single ramp constructed in asphalt paved streets in the state, to ensure the proposed 1:20 grade is properly constructed and maintained. During the initial construction, this concrete landing pad will interfere with the normal construction of asphalt pavement by interfering with normal longitudinal rolling compaction operations, thereby creating a zone of poorly compacted asphalt concrete pavement around the ramp that are predisposed to failure, resulting in higher maintenance costs to public agencies. During subsequent asphalt concrete repaving

operations, the pavement near a ramp will not be able to be simply overlaid, but will need to be removed to match the edges of the concrete counterslope pad. All of these considerations will increase significantly the cost to public agencies for street and pavement construction, maintenance, and reconstruction work; which more likely will prohibit the inclusion of curb, gutter and sidewalks for many projects.

More importantly to the ADA ramp user, as surrounding asphalt pavement is built up over time around counterslope pads built to the proposed standards, stormwater flows from both the street and the adjacent ramp will be further concentrated into the large, flat, counter-slope pads (created by the proposed standard), resulting in a large pool of water (rendering the ramp unsafe) as it makes it impossible to safely maneuver through the flooded ramp. The standing water in return will deposit sediments, which will produce sediment build up over time at the ramp. The problem will be exacerbated in jurisdictions that don't have street sweeping; over time the accumulation and concentration of sediment and algae growth in these poorly drained counterslope pads at the bottom of ramps will become both a public safety slip hazard and an expensive nuisance. In this regard, the proposed standard creates a situation which is in direct conflict with Section 11B-405.10 'Wet Conditions', which states "*Landings subject to wet conditions shall be designed to prevent the accumulation of water.*"

An additional concern with the four (4) foot clear space provision of 11B-406.5.9 'Clear Space' is the terminology "wholly outside the parallel vehicle travel lane". For a mid-block curb ramp on a straight street, this regulation is clear, and it will require the purchase of additional right of way to ensure the four (4) foot clear space for landings. To demonstrate compliance and ensure against claims, it will also require striping in the vicinity of ramps to show the vehicle lane width (and bicycle lane if applicable), because the design vehicle lane width varies by the type of street, but is not always striped in the field with an edge line to distinguish shoulder and vehicle lane. This obviously increases costs for public agencies, and the result of this language will be an unfortunate elimination or reduction in the number of mid block crossings, as they are typically installed as conveniences to reduce the travel paths available via intersections, as these mid-block curb ramps are not required. However, for ramps at an intersection, the proposed language is ambiguous. While the sensible interpretation is that landing ramps are to be "wholly outside the *motorized* vehicle travel lanes that are *parallel to the intersecting streets*" (which typically would allow for 1 ramp at the typical radiused intersection corner without the need to acquire additional right of way or add vehicle lane striping), the interpretation is not clear and needs to be made so. If the intent with this regulation is to require the width of streets statewide to be increased by four (4) feet to accommodate ADA ramps, this is clearly poor public policy, a monumental unfunded State mandate and should be reviewed under CEQA as a significant environmental impact.

Another unfortunate outcome of the proposed 'clear space' regulation would be the reduction of the number of double ramps at intersection corners. The double ramp configuration provides for better visibility (and therefore safety) for pedestrians, than the single ramp configuration. The single ramp places pedestrians further away from the street they will be crossing at the point they leave the sidewalk with less visibility of the street they will be crossing, which will again compromise pedestrian safety.

The proposed standards are both unnecessary and arbitrary per Health and Safety Code §18930 based on the overall benefits to be gained. The cost of the unfunded mandate on public agencies is enormous due to added construction & maintenance costs and expected effortless litigation due to the compromised pedestrian safety at the proposed ramps. The language of 11B-406.5.9 'Clear Space' is unnecessarily ambiguous and vague, as it is best to eliminate the proposed revisions to this section or to exempt public streets from these provisions.

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
 - (3) The public interest requires the adoption of the building standards.
 - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
 - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
 - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
 - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
 - (8) The format of the proposed building standards is consistent with that adopted by the commission.
 - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.